

TRULINCS 58021037 - COHEN, JEFFREY BRIAN - Unit: OTV-E-B

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THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF NEW YORK

JEFFREY COHEN,
Plaintiff/Petitioner,

v.

Case No. 7:23-cv-08099

UNITED STATES, et al.,
Defendants/Respondent.

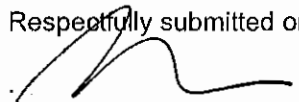
PLAINTIFF'S MOTION FOR LEAVE TO SEAL MEDICAL RECORDS

Plaintiff Jeffrey Cohen, pro se ("Cohen") hereby requests leave of court to request the sealing of his medical records submitted by the Government in ECF 31.

1. On June 10, 2024, the Government filed its response to Plaintiff's request for habeas relief (ECF 31). Within, multiple pages of Cohen's medical records were included as an exhibit (ECF 31, Exh. 3). Although most of the pages had Cohen's date of birth redacted, several pages included his date of birth. In addition, the documents contain sensitive medical information that is private and protected by HIPAA.
2. On June 14, 2024, Government counsel responded to Cohen's request to seal the documents by refusing to do so. Although, the Government stated: "should you make an application to the Court to seal your medical records, the Government would take no position as to that request".
3. Acknowledging that this Circuit observes the public's right to access court records, courts have "recognized a privacy interest in medical records". See *US v. Sattar*, 47 1F. Supp. 2d 380, 387 (SDNY 2006). Courts in this Circuit "routinely seal medical records to protect the plaintiff's privacy interest in those records", *Toolasprashad v. Toolasprashad*, 2021 US Dist. LEXIS 205238, at *3 (EDNY Oct. 25, 2021) (collecting cases). A privacy interest continues even where a plaintiff "has put his medical condition at issue" in a lawsuit, *Braxton v. City of New York*, 2021 US Dist. LEXIS 253339, at *7 (SDNY Dec. 7, 2021).

WHEREFORE, Cohen respectfully requests this Court grant leave and seal ECF 31, Exh. 3.

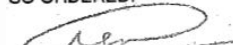
Respectfully submitted on June 27, 2024.

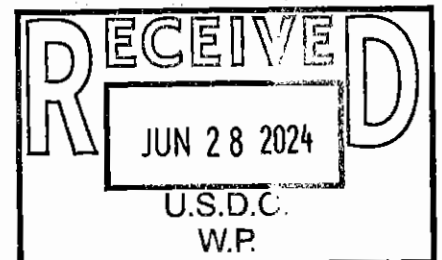

Jeffrey Cohen
Plaintiff/Petitioner, pro se
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Otisville, NY 10963

Plaintiff's request is GRANTED. The Clerk of Court is directed to place ECF No. 32 under seal, accessible only to the Court and the parties to the case, to terminate the motion at ECF No. 37, and to mail a copy of this endorsement to Plaintiff at the address on ECF and show service on the docket.

Dated: July 8, 2024
White Plains, NY

SO ORDERED:


HON. NELSON S. ROMAN
UNITED STATES DISTRICT JUDGE



MEMO ENDORSED